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3625

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Crouthamel et al. )  
Application No.: 09/640,437 ) Examiner: Zurita, James H.  
Filing Date: 08/17/2000 ) Group Art Unit: 3625  
Title: METHOD AND SYSTEM FOR ) Docket No.: 21221.01US1  
EXCHANGING DATA BETWEEN )  
AFFILIATED SITES )

**STATUS INQUIRY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

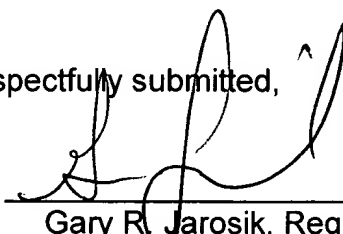
Dear Sir:

Please let us know when we can expect to receive an Office Action on this application.

We filed an RCE with an Amendment (copy attached) on May 14, 2004. We received an Interview Summary dated October 14, 2004 from the Examiner indicating that an Office Action would be forthcoming and to date no additional communication from the USPTO has been issued.

Respectfully submitted,

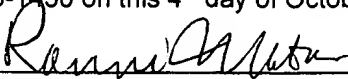
Date: October 4, 2006

By:   
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By:

  
Name: Ranni Matar

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PTO/SB/30 (08-93)

Approved for use through 07/31/2008. OMB 0851-0031

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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:  
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Alexandria, VA 22313-1450



Application Number	09/640,437
Filing Date	08/17/2000
First Named Inventor	James Crouthamel
Art Unit	3625
Examiner Name	Zurita, James H.
Attorney Docket Number	21221.01US1

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on

- ii. ☐ Other

- b. ☒ Enclosed

- i. ☒ Amendment/Reply

- iii. ☐ Information Disclosure Statement (IDS)

- ii. ☐ Affidavit(s)/Declaration(s)

- iv. ☒ Other return postcard

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other

## 3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-2428

- i. ☐ RCE fee required under 37 CFR 1.17(e)

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- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

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- iii. ☐ Other

385.00 00

- b. ☒ Check in the amount of \$ 385.00 enclosed

- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)

Gary R. Jarosik

Registration No. (Attorney / Agent)

35,906

Signature

Date

May 14, 2004

## CERTIFICATE OF MAILING OR TRANSMISSION

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Ranni Matar

Signature

Date

May 14, 2004

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MAY 20 2004

GROUP 3000



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Crouthamel et al.	)	Examiner:	Zurita, James H.
		)		
Serial No.:	09/640,437	)	Art Unit:	3625
		)		
Filed:	August 17, 2000	)	Attny Doc.:	21221.01US1
		)		
Title:	Method And System For	)		
	Exchanging Data Between	)		
	Affiliated Sites	)		

**AMENDMENT AND REMARKS**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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MAY 20 2004

**GROUP 3600**

Dear Sir:

In connection with the Request for Continued Examination filed concurrently herewith,  
please enter the following amendments and consider the following remarks.

**Amendments to the claims** are reflected in the listing of claims which begins on page 2  
of this paper.

**Remarks/Arguments** being on page 9 of this paper.

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By: \_\_\_\_\_

*Ranni Matar*  
Name: Ranni Matar

**AMENDMENT TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1 – 52 (Canceled)

53. (New) A method for using a clearinghouse site, in communication via a communication network with a merchant site having a merchant database and a partner site having a partner database, to allow for an exchange of product data between the merchant site and the partner site, the method comprising:

storing a first set of product data in the clearinghouse database, the first set of data being extracted from the merchant database;

receiving at the clearinghouse site a first registration document that specifies a database format for use by the clearinghouse site in transmitting product data to the partner site, the registration document being transmitted to the clearinghouse site from the partner site via the communication network;

using at the clearinghouse site the first registration document by placing a second set of product data, extracted from the first set of data stored in the clearinghouse database, into database fields that comply with the database format specified in the first registration document; and

transmitting from the clearinghouse site to the partner site via the communication network the formatted second set of product data for storage in the partner site database whereby the stored, second set of product data is made accessible to a consumer visiting the partner site to

thereby allow for viewing at the partner site of information concerning merchant site product offerings without requiring the consumer to visit the merchant site directly.

54. (New) The method as recited in claim 53, comprising transmitting from the clearinghouse site to the merchant site via the communication network a second registration document that specifies a database format for use by the merchant site in transmitting product data to the clearinghouse site; using at the merchant site the second registration document by placing the first set of product data, extracted from the merchant site database, into database fields that comply with the database format specified in the second registration document; transmitting from the merchant site to the clearinghouse site via the communication network the formatted first set of product data; and storing the first set of product data in the clearinghouse database.

55. (New) The method as recited in claim 54, wherein the second registration document specifies an electronic delivery method and transmitting from the merchant site to the clearinghouse site via the communication network the formatted first set of product data comprises using the specified electronic delivery method.

56. (New) The method as recited in claim 53, wherein the first registration document specifies an electronic delivery method and transmitting from the clearinghouse site to the partner site via the communication network the formatted second set of product data comprises using the specified electronic delivery method.

57. (New) The method as recited in claim 53, comprising transmitting from the clearinghouse site to the partner site via the communication network information that functions to correlate the second set of data stored in the partner database to the merchant database from which the first set of product data was extracted.

58. (New) The method as recited in claim 57, comprising transmitting from the clearinghouse site to the partner site via the communication network an address for use in accessing a merchant site web page via the communication network.

59. (New) The method as recited in claim 58, comprising providing access to the merchant site web page in response to a selection of the address by providing from the partner site to the clearinghouse site via the communication network the information that functions to correlate the second set of data stored in the partner database to the merchant database from which the first set of product data was extracted and by using at the clearinghouse site the information to provide access to the merchant site web page via the communication network.

60. (New) The method as recited in claim 59, wherein the merchant site web page comprises a web page for use in accepting orders for one or more products represented by the first set of product data.

61. (New) The method as recited in claim 60, comprising tracking consumer interaction with the merchant site web page to thereby allow for partner site commission payments to be made for purchases of products at the merchant site.

62. (New) The method as recited in claim 54, wherein the second registration document is transmitted from the clearinghouse site to the merchant site via the communication network in response to a request to create an account for the merchant site.

63. (New) A method for using a clearinghouse site, in communication via a communication network with a merchant site and a partner site having a partner database, to facilitate a sale of merchant products from the partner site, the method comprising:

storing a first set of product data in the clearinghouse database, the first set of product data being transmitted to the clearinghouse site from the merchant site via the communication network;

receiving at the clearinghouse site a registration document that specifies a database format for use by the clearinghouse site in transmitting product data to the partner site, the registration document being transmitted to the clearinghouse site from the partner site via the communication network;

using at the clearinghouse site the registration document by placing a second set of product data, extracted from the first set of product data stored in the clearinghouse database, into database fields that comply with the database format specified in the registration document;

transmitting from the clearinghouse site to the partner site via the communication network the formatted second set of product data whereby the partner site stores the second set of product data in the partner database;

receiving at the clearinghouse site a request to access via the communication network a merchant site web page having information relevant to one or more products represented by the

second set of product data stored in the partner database, the request being transmitting to the clearinghouse site from the partner site via the communication network;

facilitating access to the merchant site web page via the communication network by using an identifier received at the clearinghouse site in connection with the request, the identifier linking the second set of product data to the merchant site; and

tracking at the clearinghouse site consumer interaction with the merchant site web page to thereby allow for a commission payment to be made for purchases of merchant products attributable to accessing of the merchant site web page via the partner site.

64. (New) The method as recited in claim 63, wherein the second registration document specifies an electronic delivery method and transmitting from the clearinghouse site to the partner site via the communication network the formatted second set of product data further comprises using the specified electronic delivery method.

65. (New) The method as recited in claim 64, wherein the merchant site web page comprises a web page for use in ordering the one or more of the products.

66. (New) The method as recited in claim 63, wherein tracking consumer interaction with the merchant site web page comprises using a cookie.

67. (New) A method for using a clearinghouse site, in communication via a communication network with a merchant site having a merchant database and a partner site having a partner database, to facilitate a sale of merchant products from the partner site, the method comprising:



storing a first set of product data in the clearinghouse database, the first set of data being transmitted to the clearinghouse site from the merchant site via the communication network;

receiving at the clearinghouse site a first registration document that specifies a database format for use by the clearinghouse site in transmitting product data to the partner site, the registration document being transmitted to the clearinghouse site from the partner site via the communication network;

receiving at the clearinghouse site a second registration document that specifies a database format for use by the clearinghouse site in transmitting product ordering data to the merchant site, the registration document being transmitted to the clearinghouse site from the merchant site via the communication network;

using at the clearinghouse site the first registration document by placing a second set of product data, extracted from the first set of product data stored in the clearinghouse database, into database fields that comply with the database format specified in the first registration document;

transmitting from the clearinghouse site to the partner site via the communication network the formatted second set of product data whereby the partner site stores the second set of product data in the partner database;

receiving at the clearinghouse site from the partner site via the communication network a request to purchase one or more products represented by the second set of product data stored in the partner database, the request including product ordering data;

using at the clearinghouse site the second registration document by placing product ordering data, extracted from the request, into database fields that comply with the database format specified in the second registration document;

transmitting from the clearinghouse site to the merchant site via the communication network the formatted product ordering data whereby the merchant site stores the product ordering data in the merchant database to thereby facilitate product purchasing fulfillment; and tracking at the clearinghouse site product purchasing fulfillment to thereby allow for a commission payment to be made for purchases of merchant products attributable to a consumer accessing the partner site.

68. (New) The method as recited in claim 67, wherein tracking comprises using a cookie.

69. (New) The method as recited in claim 53, wherein the communication network comprises the Internet.

## REMARKS

In the application claims 53-69 remain pending, claims 1-52 having been cancelled. The claims as added find their support in the specification and figures as originally filed and no new matter has been added (*See* Figs. 2-8 and related text). By finding support within the specification and figures as originally filed, the newly presented claims comply with the requirements of 35 U.S.C. § 112.

It is respectfully submitted that the newly presented claims also comply with the requirements of 35 U.S.C. § 101. In this regard, each claim as a whole produces a “useful, concrete and tangible result.” *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F. 3d 1368, 1374, 47 USPQ2d 1596, 1601-02 (Fed. Cir. 1998). In particular, the claims are statutory since they are directed to, among other things, optimally controlling the transfer, storage and retrieval of data between a merchant site, a partner site, and a clearinghouse site via a communication network to facilitate e-commerce. *See* MPEP 2106.

It is further respectfully submitted that the newly presented claims are allowable over all art of record. It is first noted that each and every word of the claims now presented must be considered when determining the patentability of the claims, i.e., the claims have no elements that can be considered to be merely descriptive material that is not functionally involved in the steps recited. *See* MPEP 2106. When each and every word of the claims now presented is considered, the art of record, whether considered alone or in combination, cannot be said to disclose, teach, or suggest each and every element set forth in the claims. That Conklin (U.S. Patent No. 6,338,050) fails to disclose, teach, or suggest at least the claimed “using at the clearinghouse site the registration document by placing a second set of product data, extracted from the first set of product data stored in the clearinghouse database, into database fields that

comply with the database format specified in the registration document" has been acknowledged in the Office Action of April 28, 2004. That Fields (U.S. Patent No. 6,338,059), "EDI meets the Internet," and Noble (U.S. Patent No. 5,634,053) cannot be said to disclose, teach, or suggest the now claimed invention has been discussed extensively in the past which discussion is incorporated herein in its entirety for the sake of providing brevity to this response.

#### CONCLUSION

It is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested.

Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

The Commissioner is authorized to charge any fee deficiency or credit overpayment to deposit account number 50-2428 in the name of Greenberg Traurig.

Respectfully Submitted,

Date: May 14, 2004

By: 

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